

Remarks

Applicant respectfully requests reconsideration of this application as amended. Claims 1, 11, 21, 27, and 31 have been amended. No claims have been cancelled or added. Claims 34 and 35 were previously canceled. Therefore, claims 1-33 and 36-39 are presented for examination.

35 U.S.C. §102(e) Rejection

Claims 1, 3-6, 10, 11, 13-16, 20-25, 27-29, 31-32, 36 and 38 stand rejected under 35 U.S.C. §102(b) as being anticipated by Horvitz et al. (U.S. Pub. No. 2003/0046421). Applicant submits that the present claims are patentable over Horvitz et al.

Briefly, Horvitz discloses a system that provides controls and displays for acquiring user preferences, inspecting behavior, and guiding learning and decision policies of an adaptive communications prioritization and routing system. (Horvitz at paragraph [0007].)

Claim 1 recites:

A method, comprising:

- providing a digital assistant having an event detector and an agent selector;

- receiving by the event detector information of an event from an information provider;

- determining by the event detector a level of importance of the event relative to a user of the digital assistant;

- weighing by the agent selector the level of importance against an intrusion to the user if the digital assistant handles the event itself, wherein the intrusion to the user is determined by rules specified by the user and not by an administrator of the digital assistant;

- handling, by the digital assistant, the event without contacting the user if the level of importance of the event is greater than or equal to a first threshold and less than or equal to a second threshold, the handling including the digital assistant responding to an originator of the event to resolve the event in lieu of the user; and

contacting, by the digital assistant, the user in order for the user to resolve the event if the level of importance is greater than the second threshold.

Applicant submits that Horvitz does not disclose or suggest handling, by the digital assistant, the event without contacting the user if the level of importance of the event is greater than or equal to a first threshold and less than or equal to a second threshold, the handling including the digital assistant responding to an originator of the event to resolve the event in lieu of the user, as recited by claim 1. (Emphasis added.) The Final Office Action asserts that Horvitz discloses this feature at Figures 23-26 and paragraphs [0017], [0074]-[0075], [0083], [0018], and [0275] where a “user is not contacted if the message priority is not high enough to disturb the user (if he is in a critical, or more important, meeting)”. (Final Office Action mailed 11/17/06 at pg. 5.)

However, nowhere in the cited portion of Horvitz is there disclosed handling, by a digital assistant, an event without contacting a user...the handling including the digital assistant responding to an originator of the event *to resolve the event in lieu of the user*. The description in Horvitz only provides for auto-replying to a sender of the text based on a very general “routing criteria”. (Horvitz at paragraph [0275].) This auto-rply feature of Horvitz only lets a sender of message know that the user is not available; the system does not actually *resolve the event in lieu of the user*. At best, it delays the resolving of the event until a later time when the user is available to resolve the event herself. As such, claim 1, as well as its dependent claims, is patentable over Horvitz.

Claims 11, 21, 27, and 31 also recite, in part, handling, by the digital assistant, the event without contacting the user if the level of importance of the event is greater than or equal to a first threshold and less than or equal to a second threshold, the handling including the digital assistant responding to an originator of the event to resolve the event in lieu of the user. As

Atty Docket No. 42P9765X
Application No. 09/895,557

discussed above, Horvitz does not disclose or suggest such a feature. Therefore, claims 11, 21, 27, and 31, as well as their respective dependent claims, are patentable over Horvitz.

35 U.S.C. §103(a) Rejection

Claims 2, 12, 37 and 39 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz in view of what was well known in the art. Claim 2 depends from independent claim 1, claim 12 depends from independent claim 11, and claims 37 and 39 depend from independent claim 31. As previously discussed, claims 1, 11, and 31 are patentable over Horvitz. As dependent claims necessarily include all of the limitations of their independent claims, claims 2, 12, 37, and 39 are also patentable over Horvitz, even in view of what was well known in the art.

Claims 7, 17, 26 and 30 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz et al. in view of Fisher et al. (US 5,835,896). Claim 7 depends from independent claim 1, claim 17 depends from independent claim 11, claim 26 depends from independent claim 21, and claims 30 depends from independent claim 27. As previously discussed, claims 1, 11, 21, and 27 are patentable over Horvitz. Fisher does not remedy the deficiencies of Horvitz as far as disclosing the claims of the present application. As a result, claims 7, 17, 26, and 30 are also patentable over Horvitz, even in view of Fisher.

Claims 8-9, 18-19, and 33 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Horvitz. Claims 8-9 depend from independent claim 1, claim 18-19 depend from independent claim 11, and claim 33 depends from independent claim 31. As previously

discussed, claims 1, 11, and 31 are patentable over Horvitz. As a result, claims 8-9, 18-19, and 33 are also patentable over Horvitz, even in view of what was well known in the art.

Applicant respectfully submits that the rejections have been overcome and that the claims are in condition for allowance. Accordingly, applicant respectfully requests the rejections be withdrawn and the claims be allowed.

The Examiner is requested to call the undersigned at (303) 740-1980 if there remains any issue with allowance of the case.

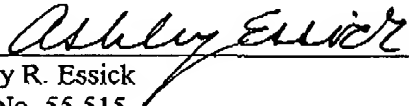
Applicant respectfully petitions for an extension of time to respond to the outstanding Office Action pursuant to 37 C.F.R. § 1.136(a) should one be necessary. Please charge our Deposit Account No. 02-2666 to cover the necessary fee under 37 C.F.R. § 1.17(a) for such an extension.

Please charge any shortage to our Deposit Account No. 02-2666.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: January 10, 2007


Ashley R. Essick
Reg. No. 55,515

12400 Wilshire Boulevard
7th Floor
Los Angeles, California 90025-1026
(303) 740-1980